



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:
OSB2000-0105

June 20, 2000

Mr. Fred Patron
Federal Highway Administration
The Equitable Center, Suite 100
530 Center Street NE
Salem, OR 97301

Re: Biological Opinion for the Antone Junction - John Day River Project and the Antone Junction Quarry
(Fort Creek) Culvert Replacement

Dear Mr. Patron:

The National Marine Fisheries Service (NMFS) has enclosed the Biological Opinion (Opinion) that addresses your proposed projects to replace the culvert at Fort Creek and for the pavement preservation project along US-26 between milepoints (MP) 81.6 to 98.4 in Wheeler County, Oregon. NMFS received the Biological Assessment (BA) and request for formal consultation on May 19, 2000. The Federal Highway Administration (FHWA) is funding the proposed actions and is the lead action agency. Oregon Department of Transportation (ODOT) is the designer for the projects, and will administer the construction contracts.

This Opinion considers the potential effects of the projects on the Middle Columbia River steelhead (*Oncorhynchus mykiss*) which occur in the proposed project area. Middle Columbia River steelhead were listed as threatened under the Endangered Species Act on March 25, 1999 (64 FR 14517), and critical habitat has been designated (65 FR 7764). This opinion constitutes formal consultation for the Middle Columbia River steelhead. The NMFS concludes that the proposed action is not likely to jeopardize the subject species or destroy or adversely modify critical habitat. Included in the enclosed Opinion is an incidental take statement with terms and conditions to minimize the take of the subject species.

Questions regarding this letter should be directed to Nancy Munn of my staff in the Oregon State Branch Office at (503) 231-6269.

Sincerely,

William Stelle, Jr.
Regional Administrator

cc: Rose Owens - ODOT
Randy Floyd - ODOT (Biological Opinion)
Julie Banal - ODOT
Shelly Schmidt - ODOT (Biological Opinion)
Pat Cimmiyotti - ODOT Project Team Leader
Art Martin - ODFW (Biological Opinion)
Lawrence Evans - Army Corps of Engineers (Biological Opinion)
Oregon Division of State Lands

